

REMARKS

The Application has been carefully reviewed in light of the Office Action mailed March 24, 2006. At the time of the Office Action, Claims 1-60 remain pending in this patent application. Reconsideration and allowance of all pending claims is respectfully requested in view of the following remarks.

Rejections Under 35 U.S.C. § 103:

Claims 1, 6-9, 17-21, 26-29, 37-41, 46-49 and 57-60 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication No. 2001/0032193 A1 to Ferber ("Ferber") in view of U.S. Patent No. 6,882,977 to Miller ("Miller"). As described in the previous response of Applicants with regard to Claim 1, while Ferber teaches the general concepts of registering wireless device numbers and communicating advertisements to the associates registered wireless devices, Ferber fails to disclose, teach, or suggest "registering wireless device users in a direct marketing campaign ... display[ing] an identification of a direct marketing campaign ... [or] registering the user in the identified direct marketing campaign." As further noted in such response, Ferber fails to disclose, teach, or suggest "providing content within a display of a wireless device, wherein the content includes a portion that is responsive to user activation and that displays an identification of a direct marketing campaign."

The Examiner fails to address the fact that Ferber fails to disclose, teach, or suggest "providing content within a display of a wireless device, wherein the content includes a portion that is responsive to user activation and that displays an identification of a direct marketing campaign." Instead the Examiner cites the portion of Ferber previously demonstrated by Applicant in such prior response not to disclose, teach, or suggest the limitation of "providing content within a display of a wireless device, wherein the content includes a portion that is responsive to user activation and that displays an identification of a direct marketing campaign." Such limitation is additional not disclosed, taught, or suggested by Miller. For at least this reason, Applicants respectfully submit that Claim 1 is allowable over the cited prior art, whether taken alone or in combination.

The Examiner admits that Ferber does not teach "registering wireless device users in a direct marketing campaign." However, the Examiner now asserts that Miller teaches such a

feature “for a purpose of enjoying and receiving future incentives of such identified direct marketing campaign, i.e., the ‘outside123.com’.” However, the cited portion of Miller merely teaches that a user can register at a website. More particularly, Miller teaches that a user can register at a website such that her website usage (including her purchases and referrals of friends to the website) can be tracked. Eventually, such user may even be issued a coupon by the website. Nothing in Miller teaches registering for a marketing campaign. A merchant website is not a marketing campaign. Miller’s registration is for tracking a user on a merchant’s website. Further, there is no teaching in either Ferber or Miller that Miller’s registration at a website and statistical analysis of the behavior of users should be combined with the wireless marketing system of Ferber. Such a combination uses impermissible hindsight and does not meet the prima facie requirements of a rejection under 35 USC 103. For this further reason, Applicants respectfully submit that Claim 1 is allowable over the cited prior art, whether taken alone or in combination.

Independent Claims 9, 21, 29, 41 and 49 each include the same limitations as Claim 1 and should be considered allowable for at least the same reasons. Claims 6-8, 17-20, 26-28, 37-40, and 57-60, which depend from respective independent claims, should be considered allowable for at least the same reasons as the respective independent claims. Accordingly, Applicants respectfully requests that the rejection of such claims under 35 U.S.C. 103(a) under Ferber in view of Miller be withdrawn. Reconsideration and favorable action are requested.

The Examiner rejected Claims 2-5, 11-16, 22-25, 31-36, 42-45 and 51-56 under 35 U.S.C. 103(a) as being unpatentable over Ferber in view of Miller and further in view of Angles, et al. (Pub. No. US2001/0032193 A1) (“Angles”). As noted in Applicants prior response and as acknowledged by the Examiner, Angles does not teach or suggest “registering the user in the identified marketing campaign,” as recited in the independent claims from which the above listed dependent claims depend. Because neither Ferber, nor Miller, nor Angles teaches or suggests, either alone or in combination, the limitations as recited, the rejections of Claims 2-5, 11-16, 22-25, 31-36, 42-45 and 51-56 under 35 U.S.C. 103(a) should be withdrawn. Reconsideration and favorable action are requested.

The Examiner rejected Claims 10, 30, and 50 under 35 U.S.C. 103(a) as being unpatentable over Ferber in view of Miller and further in view of Taniguchi et al. (Pub. No.

US2002/0065748 A1) ("Taniguchi"). However, Taniguchi does not teach or suggest "registering the user in the identified marketing campaign," as recited in the independent claims from which Claims 10, 30, and 50 depend. Because neither Ferber, nor Miller, nor Taniguchi teaches or suggests, either alone or in combination, the limitations as recited, the rejections of Claims 10, 30, and 50 under 35 U.S.C. 103(a) should be withdrawn. Reconsideration and favorable action are requested.

CONCLUSION

For the foregoing reasons, and for other apparent reasons, Applicants respectfully request reconsideration and favorable action. If the Examiner feels a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner.

Applicants believe that no fee is due. However, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-2816 of Patton Boggs, L.L.P.

Respectfully submitted,

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